

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

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BCS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/976, 579 11/24/97 THORNTON

J JAO-34191

WM31/0522

EXAMINER

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DT LORENZO, A
ART UNIT PAPER NUMBER

2131

DATE MAILED:

05/22/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	08/976,579	THORNTON ET AL.
	Examiner	Art Unit
	Anthony DiLorenzo	2131

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claims ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on ____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on ____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). ____.

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 20) Other: ____.

DETAILED ACTION

This Office Action is written in response to the amendment and remarks filed on March 8, 2001 in the United States Patent and Trademark Office regarding utility patent application serial no. 5 08/976579. Claims 1-27 have been examined on the merits in light of the presented responses.

The appropriate sections of Title 35 of the U.S. Code not appearing in this communication have been cited in a previous office action.

10 **Amendments**

· **Claims**

The amendments to claims 1, 10, and 19 have been entered as requested by Applicant as amendment C.

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Claim Rejections

Claim rejections are detailed according to each applicable section of Title 35 of the U. S. Code and to each claim below. Rejections of dependent claims necessarily incorporate the rejections of the base claim and any intervening claims. Information contained in rejections of non-related 20 claims may also be incorporated by explicit reference to them. Similar claims are grouped together.

· **Under 35 USC § 102**

· · **Maintained**

25 The following rejections are maintained as they were presented in the previous Office action:

Claims 1-3, 5, 6, 8-12, 14, 15, 17-21, 23, 24, 26, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Zdybel et al. '686.

30 Detailed explanations of the rejections can be found in the Office action dated 12/8/00. In addition, the following statement is added to the rejection of the independent claims, in order to address the feature newly added by amendment C:

35 The newly added feature of "the tokens are generated so that a user can individually select which tokens to access" is anticipated by the Zdybel reference. As the tokens are generated to be read into a computer by scanning means, they are generated to ultimately become digital data stored on a computer. Inherent in digital data is the ability for a user to individually select which parts of the data to access.

• Under 35 USC § 103

• • Maintained

The following rejections are maintained as they were presented in the previous Office action:

5 Claims 4, 7, 13, 16, 22, and 25 are rejected under 35 USC § 103(a) as being unpatentable over Zdybel '686.

10 Detailed explanations of the rejections can be found in the Office action dated 12/8/00. As the original rejections incorporated the rejections of the applicable base claims, the statement added above is now also incorporated into the rejections under this section.

Response to Remarks

15 Applicant has based the traverse of the newly added claim feature of generating tokens so that a user can individually select which token to access. Examiner contends that this new feature is anticipated by the Zdybel patent. A statement detailing that contention has been added to the rejections based on Zdybel. Applicant's arguments based on the addition of such a feature were not particularly persuasive. The feature that was added to the claim was directed to the generation of tokens. However, the Applicant's arguments are directed not towards any deficiency in Zdybel's token *generation* process, but rest in an allegation against Zdybel's process of *accessing* tokens. The distinction is subtle, but it is the distinction between what is claimed and what is not. Applicant has not claimed the feature of individually selecting, by a user, which tokens to access. Applicant has claimed that the tokens are generated in such a way as to allow this to happen. This should not be construed as a statement that such a feature would 20 make the claims allowable if added by amendment. On the contrary, the rejection above 25 indicates that such a feature is inherent in Zdybel. For these reasons, the rejections have been maintained.

30 **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory 40 period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony DiLorenzo, whose telephone number is (703) 306-5617. If the

Art Unit: 2131

examiner is not available, a voice mail greeting will indicate when the examiner will return to the office. The examiner's acting supervisory patent examiner, Gilberto Barron, may be reached at (703) 305-1830. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

5 Official fax number: (703) 308-9051 Unofficial fax number: (703) 305-0040

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